

**REMARKS**

Claims 1-18 are pending in this application. By this Amendment, the Abstract has been amended. No new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

Applicant appreciates the indication of allowable subject matter in claims 5-7, 12-14 and 18.

**I. Abstract**

The Office Action objects to the Abstract for containing more than 150 words. The objection is obviated by the above amendments. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

**II. Prior Art Rejections**

Claims 1-4, 8-11, and 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,208,436 (Cunningham) in view of U.S. Patent No. 7,365,889 (Lay). This rejection is respectfully traversed.

The applied references fail to disclose or suggest an image reading apparatus including an "image reader including a confirmation-signal producing portion which produces a resolution confirmation signal representing a second reading resolution which should be identical, when the first reading resolution has normally been indicated by the controller to the image reader, with the first reading resolution indicated by the controller," as recited in claim 1.

The Office Action acknowledges that Cunningham does not disclose the confirmation-signal portion of the image reader and the judging portion of the controller. However, the Office Action asserts that Lay discloses the confirmation-signal portion and the judging portion, recited in claim 1. Specifically, the Office Action refers to col. 8, lines 43-64

in Lay, asserting that Lay's system "returns an actual resolution indicating if it is appropriate" in comparison with a first reading resolution set by the user. See Office Action at pages 3-4.

Lay discloses a system that determines whether a document is a transparency document, and optimizes the scanning resolution for the transparency documents. When the document is determined to be a transparency, the scanner notifies the user if the user does not choose a scanning resolution that is higher than the optimum scanning resolution for the document. As stated in col. 8, lines 43-50 in Lay, "if, on the other hand, it is determined that the document is a transparency, flow continues on to decision element 506 at which the optimizer 222, 316 determines whether the scanning resolution that the user has selected (or the default scanning resolution, where applicable) is appropriate. In other words, it can be determined whether the scanning resolution is optimized for scanning transparencies."

As further stated in col. 8, lines 55-60, "If the resolution is high enough, e.g., 600 dots per inch (dpi), flow is terminated. If, however, it is determined that the resolution is not high enough, e.g., under 600 dpi, flow continues to block 508 at which the optimizer 222, 316 alerts the user that the scanning resolution is not optimized for transparency scanning."

However, Lay fails to disclose an image reader that produces a resolution confirmation signal corresponding to a second scanning resolution because, in Lay, the user inputs a scanning quality and the scanner does not generate any resolution confirmation signal. The Office Action alleges that the system returns an "actual resolution" indicating if it is appropriate and outputs it to the optimizer. However, the resolution referred to in the Office Action is not a confirmation signal, but merely a predetermined threshold value, as discussed above.

Furthermore, Lay fails to disclose or suggest "the controller including a judging portion which receives the resolution confirmation signal from the image reader, and judges whether the second reading resolution represented by the received resolution confirmation

signal is identical with the first reading resolution indicated to the image reader," as recited in claim 1.

Lay considers a user's choice of scan quality and determines whether scanning will continue based on a threshold value. Thus, Lay does not compare a resolution signal sent to the image reader with a resolution signal sent from the image reader to determine whether those signals are identical, but merely compares a user's selected scanning quality to determine whether it is higher than or lower than a predetermined value. Similarly, as discussed above, Lay makes such a comparison to determine whether a user selected an appropriate scanning quality and does not disclose an apparatus that "judges whether the first reading resolution has normally been indicated to the image reader," as recited in claim 1. According, for all of the above reasons claim 1 is patentable over the applied references.

Independent claim 8 recites features similar to those in claim 1. Thus, claim 8 is also patentable over the applied references.

Independent claim 15 recites an image reader including a confirmation-signal producing portion, which is similar to those features recited in claim 1. Thus, for at least these reasons claim 15 is also patentable over the applied references.

Claims 2-4, 9-11, 16 and 17 depend from at least one of independent claim 1, 8 and 15 and therefore are also patentable over the applied references for at least the reasons enumerated above, as well as for the additional features they recited.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachment:  
Amended Abstract

Date: August 22, 2008

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